



CrI.OP(MD)No.6939 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrI.OP(MD)No.6939 of 2025

and

CrI.MP(MD)No.5090 of 2025

G.Eniyan

: Petitioner

Vs.

1.The II Class Executive Magistrate cum Tahsildar,
O/o. II Class Executive Magistrate cum Tahsildar,
Rajapalayam, Virudhunagar District.

2.The Sub Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.

: Respondents

PRAYER: Petition filed under Section 528 BNSS [482 CrPC] to call for the records pertaining to the proceedings initiated by the first respondent in LIR/19/SI/Seithur Rural Police Station, dated 22.01.2025 and quash the same.

For Petitioner : Mr.P.Santhosh Kumar

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (CrI. Side)



ORDER

The petitioner has filed this Criminal Original Petition challenging the show cause notice dated 22.01.2025 issued by the first respondent.

2.It is seen that the impugned notice has been issued by invoking Section 111 of the Code of Criminal Procedure, 1973 (CrPC) and also Section 128 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

3.Section 128 BNSS confers power upon the Executive Magistrate to require a person to show cause as to why he should not be ordered to execute a bond for good behaviour. The procedure for issuance of such notice is governed by Section 130 BNSS, which specifically mandates that the order must be in writing and should set forth:

- the substance of the information received,
- the amount of bond to be executed,
- the term of the bond, and
- the number of sureties required.



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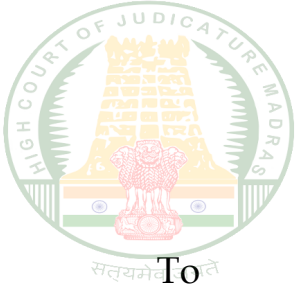
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4.If at all the first respondent intended to call upon the petitioner to execute a bond for good behaviour, the notice ought to have been issued strictly in accordance with Section 130 BNSS. Invocation of Section 111 CrPC, a provision under the repealed Code, is wholly misconceived. Issuance of the notice under both provisions (Section 111 CrPC and Section 128 BNSS) renders the impugned notice unsustainable in law.

5.Accordingly, the impugned show cause notice dated 22.01.2025 is hereby set aside. The Criminal Original Petition is allowed. However, liberty is reserved to the first respondent to issue a fresh notice, if so advised, strictly in accordance with the provisions of the BNSS. Consequently, connected miscellaneous petition is closed.

Internet : Yes
gk

01.07.2025



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- 1.The II Class Executive Magistrate cum Tahsildar,
O/o. II Class Executive Magistrate cum Tahsildar,
Rajapalayam, Virudhunagar District.
- 2.The Sub Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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